

ORDINANCE NO. 11-

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF AUBURN AND BALTIMORE RAVINE INVESTORS, LLC. FOR PLAN
AREA 1 OF THE BALTIMORE RAVINE SPECIFIC PLAN (FILE DA 07-1)

THE CITY COUNCIL OF THE CITY OF AUBURN FINDS AS FOLLOWS:

WHEREAS, the City Council held a properly noticed public hearing at its regular meeting of February 28, 2011, to consider the Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The proposal includes a Development Agreement by and between the City of Auburn and Baltimore Ravine Investors, LLC for Plan Area 1 of the Baltimore Ravine Specific Plan.

WHEREAS, the City of Auburn City Council has considered all of the evidence submitted into the administrative record including:

1. Agenda reports prepared by the Community Development Department for the January 13, 2011 and February 28, 2011 City Council meetings and for the December 15, 2009; March 25, 2010; July 13, 2010; August 3, 2010; September 21, 2010, November 16, 2010, February 1, 2011, and February 15, 2011 Planning Commission meetings.
2. Staff presentation at the public hearings held on January 13, 2011 and February 28, 2011.
3. Documents submitted by the applicant including but not limited to the BRSP, Large Lot Tentative Map, and photographs.
4. All public notices in conjunction with the Project.

- 1 5. All reports, studies, memoranda, maps, and other planning
2 documents relating to the Project prepared by the City, the City's
3 consultants, or responsible or trustee agencies with respect to the
4 City's compliance with the requirements of CEQA and with respect
5 to the City's action on the Project.
- 6 6. Public comments, written and oral, received and/or submitted at or
7 prior to the public hearing, supporting and/or opposing the
8 applicant's request.
- 9 7. All related documents received and/or submitted at or prior to the
10 public hearing.
- 11 8. Any minutes or transcripts of public meetings held by the City for
12 the Project.
- 13 9. All findings and resolutions adopted by the City in connection with
14 the Project.
- 15 10. Matters of common knowledge to the City, including, but not
16 limited to federal, state, and local laws and regulations.
- 17 11. The City of Auburn General Plan, Zoning Ordinance, and all other
18 applicable regulations and codes.
- 19 12. The Environmental Impact Report and all related documents.

20
21 WHEREAS, the City Council of the City of Auburn adopts the following
22 findings for the Development Agreement by and between the City of Auburn
23 and Baltimore Ravine Investors, LLC:

- 24 1. The development agreement is consistent with the objectives,
25 policies, general land uses, and programs specified in the general
26 plan and any applicable specific plan;
27
28

2. The development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;
3. The development agreement is in conformity with the public convenience and general welfare and good land use practices;
4. The development agreement will not be detrimental to the health, safety and general welfare;
5. The development agreement will not adversely affect the orderly development of property or the preservation of property values; and
6. The development agreement will provide sufficient benefit to the city to justify entering into the agreement.
7. The applicant is a "qualified applicant" within the meaning of Auburn Municipal Code Section 157.04.

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:

Section 1: The City Council of the City of Auburn hereby approves the Development Agreement by and between the City of Auburn and Baltimore Ravine Investors, LLC, attached hereto as Exhibit A.

Section 2: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

Section 3: Should any provision of this Ordinance, or its application to any person, parcel or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person, parcel or circumstance and, to that end, the provisions hereof are severable.

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2 Section 4: The City Clerk shall certify to the passage and adoption of
3 this Ordinance and shall give notice of its adoption as required by law. Within
4 10 days after the City enters into the development agreement, the City Clerk
5 shall also have the agreement recorded with the County Recorder.

6 DATED: February 28, 2011
7

8
9 _____
10 William W. Kirby, M.D., Mayor

11 ATTEST:
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13 _____
14 Joseph G. R. Labrie, City Clerk

15 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
16 that the foregoing ordinance was duly passed at a special meeting of the City
17 Council of the City of Auburn held on the 28th day of February 2011 by the
following vote on roll call:

18 Ayes:

19 Noes:

20 Absent:

21 _____
22 Joseph G. R. Labrie, City Clerk

23
24 APPROVED AS TO FORM:
25

26
27 _____
28 Michael G. Colantuono, City Attorney